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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,925	06/16/2000	BRIAN BRANSCOMB	102689-26	3551
21125	7590	12/23/2004	EXAMINER	
NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604			DINH, TUAN T	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/595,925	BRANSCOMB, BRIAN	
	Examiner Tuan T Dinh	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Aug et al. (US 5,023,754).

Regarding claims 1, 5, Aug et al. discloses a network device (20), column 2, line 60, as shown in figures 2-4 comprising:

first and third functional printed circuit boards (PCBs) (56), see figure 3, column 3, and line 9, located in a first portion (connectors 28) of the network device (the device having a backplane 22);

second and fourth functional PCBs (56), see figure 3, located in a second portion (connector 28) of the network device, wherein the second and fourth functional PCBs are reverse orientated within the network device with respect to the first functional PCB;

a first mid-plane (30), column 3, line 6, connected electrically to the first and third functional PCBs (56) for routing electrical signals generated by the first board;

a second mid-plane (44), column 3, line 23, connected to the second and fourth functional PCB (56) for routing electrical signals generated by the second board; and

a switch fabric card (22), column 3, line 62, connected to both the first and second mid-planes to provide electrical connectivity therebetween.

Regarding claim 12, Aug et al. discloses a network device (20), column 2, line 60, as shown in figures 2-4 comprising:

a first plurality of functional printed circuit boards (PCBs) (56), see figure 3, column 3, and line 9, located in a first portion (connectors 28) of the network device (the device having a backplane 22);

a second plurality of functional PCBs (56), see figure 3, located in a second portion (connector 28) of the network device, wherein the second plurality of functional PCBs are reverse orientated within the network device with respect to the first plurality of functional PCBs;

a first mid-plane (30), column 3, line 6, connected to the first plurality of functional PCBs (56) to rout electrical signals generated thereby;

a second mid-plane (44), column 3, line 23, connected to the second plurality of functional PCB (56) to rout electrical signals generated thereby; and

a switch fabric card (22), column 3, line 62, connected to both the first and second mid-planes to provide electrical connectivity therebetween.

As to claims 2-4, 6-8, and 16-18, Aug et al. discloses the first and second boards (logic elements cards 56) inherently be one of forward, cross-connection, or universal port cards as disclosed in figure 3.

As to claims 9-11, and 13-15, Aug et al. discloses the first and second portions (28) comprised top and bottom portions of a chassis of the network device as disclosed in figure 3.

***Response to Arguments***

3. Applicant's arguments filed 10/01/04 have been fully considered but they are not persuasive.

Applicant argues:

(a) Aug's reference does not disclose two mid-planes, and each of which is connected to one of two functional PCBs. Examiner disagrees. Aug's reference clearly shows in figures 2-4 that a double side backplane (20), the backplane have a first midplane (30) including connectors 28 and a second midplane (44) including connectors 28 in opposite side of the midplane 30, the connectors 28 of one of two midplanes (30, 44) is used to connect to circuit boards (56).

(b) Aug's reference does not disclose a switch fabric card connected to both the first and second midplanes. Examiner disagrees. Clearly in figure 2, Aug does disclose a motherboard (22) of the double side backplane (20) connected therebetween the first and second midplane (30, 28) and (44, 28), the motherboard is provided electrical connection of the circuit board (56) on both sides when they are inserted and connected to the connectors (28) of the two midplanes.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edholm, and Ho et al. disclose related art.

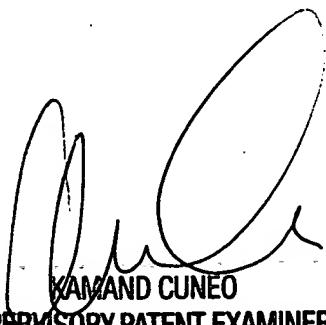
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Dinh  
September 15, 2004.



KAMAND CUNE  
SUPERVISORY PATENT EXAMINER  
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